

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, October 13, 2014

CASE NUMBER: C15-2014-0125

Jeff Jack
Michael Von Ohlen
Ricardo De Camps
Bryan King
Vincent Harding
Melissa Hawthorne
Sallie Burchett

APPLICANT: Eric Scheibe

OWNER: Kary Aycock

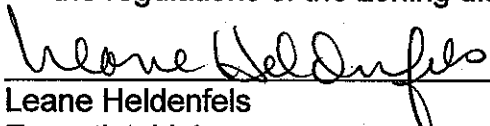
ADDRESS: 1400 OLTORF ST

VARIANCE REQUESTED: The applicant has requested variance(s) to Section 25-2-1064 (*Front Setback*) of Article 10, Compatibility Standards in Subchapter C, Use and Development Standards to decrease the minimum front building line setback from a right of way from 25 feet (required) to 0 feet (requested); and to Section 25-2-1067 (*Design Regulations*) (H) of Article 10, Compatibility Standards in Subchapter C, Use and Development Standards to decrease the minimum side setback for parking from 14 feet to 0 feet (requested) and to decrease the minimum side setback for driveways from 9 feet (required) to 0 feet (requested) in order to construct a commercial building, walkway, deck, driveway and parking area in a "CS", Commercial Services zoning district.

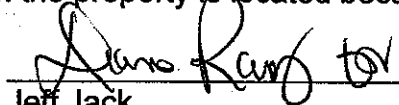
BOARD'S DECISION: The public hearing was closed on Board Member Ricardo De Camps motion to Postpone to October 13, 2014, Board Member Melissa Hawthorne second on a 7-0 vote; **POSTPONED TO OCTOBER 13, 2014; OCT 13, 2014 POSTPONED TO NOVEMBER 10, 2014 PER APPLICANT REQUEST**

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:



Leane Heldenfels
Executive Liaison



Jeff Jack
Chairman

Heldenfels, Leane

From: david cancelosi <david@permit-partners.com>
Sent: Monday, October 27, 2014 2:06 PM
To: Heldenfels, Leane
Cc: Kary Aycock; Jerad Kolarik; Eric Scheibe
Subject: Re: October 13 BOA agenda

Leane, I'm writing to officially withdrawal the 1400 W. Oltorf case from the November BOA agenda as well as future agendas. Please let me know if you need anything more formal than email. Thanks.

Kind Regards,
 David C. Cancelosi
 Permit Partners LLC
 105 W. Riverside Dr. #225
 Austin, Texas 78704
 512.593.5361 O
 512.593.5368 D
 512.494.4561 F

This email is intended for the recipient only. If this message is not received by the intended recipient please destroy and immediately notify sender. Thank you.

From: DC <david@permit-partners.com>
Date: Wednesday, October 1, 2014 at 12:35 PM
To: Eric Scheibe <escheibe@scheibeconsulting.com>
Cc: "Heldenfels, Leane" <Leane.Heldenfels@austintexas.gov>, Kary Aycock <kary@littlecityproperties.com>, Jerad Kolarik <jerad@littlecitydevelopment.com>, Christel Frietsch <christel@permit-partners.com>
Subject: Re: October 13 BOA agenda

I will attend to speak if needed.

Kind Regards,
 DC

Sent from a mobile device. There will be typos.

On Oct 1, 2014, at 12:10 PM, "Eric Scheibe" <escheibe@scheibeconsulting.com> wrote:

Leane,

Thanks. Someone will be there.

-Eric Scheibe

On Wed, Oct 1, 2014 at 12:08 PM, Heldenfels, Leane <Leane.Heldenfels@austintexas.gov> wrote:

Got your request and will print it for the Board's packet. You or a person from your staff might want to be there at the beginning of the meeting when the Board discusses postponements just in case there is anyone there in opposition to the request. They will be able to leave once the postponements have

9/8/2014

1400 W Oltorf St - Google Maps

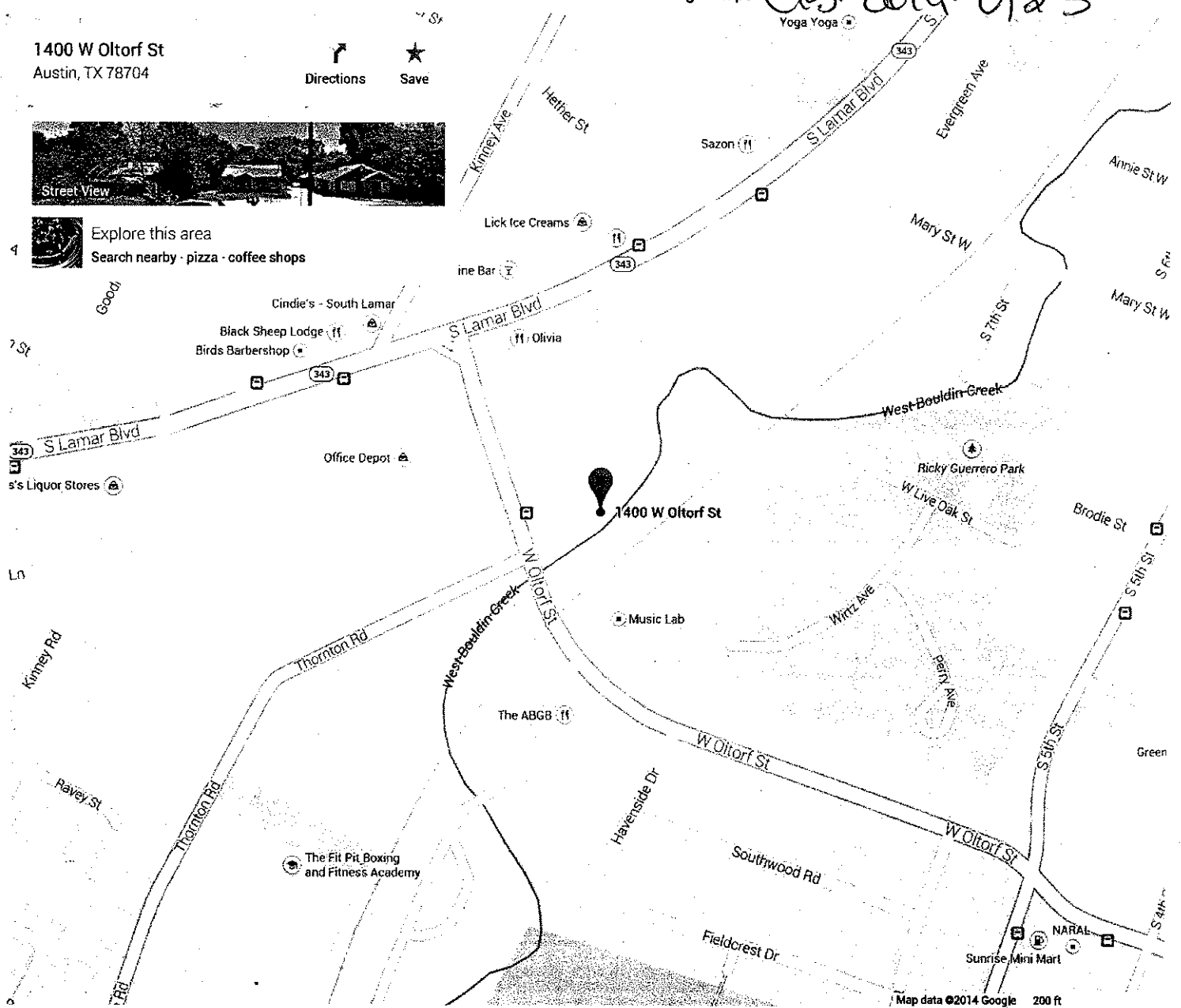
015-2014-0125

1400 W Oltorf St
Austin, TX 78704

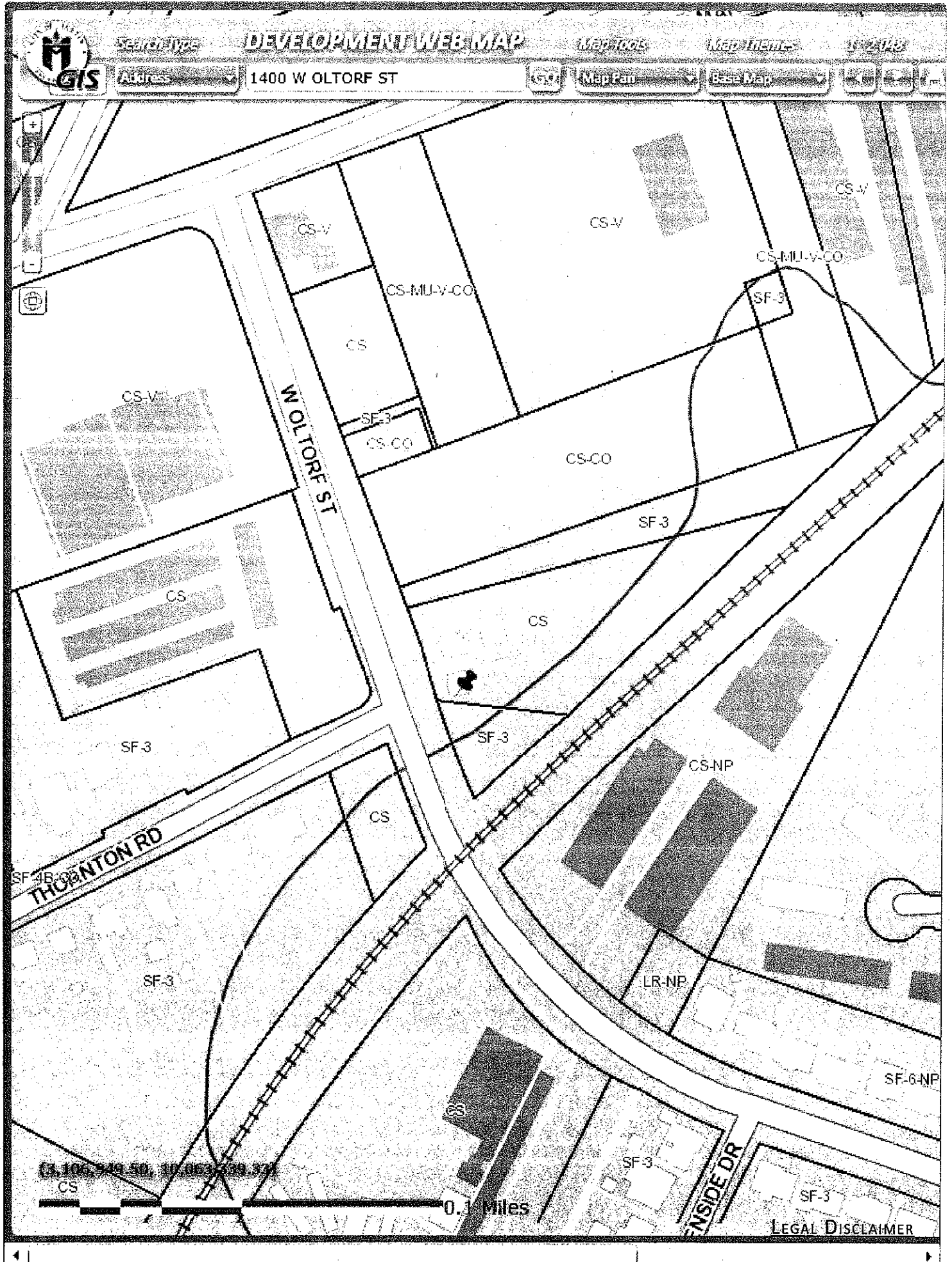
Directions Save



Explore this area
Search nearby · pizza · coffee shops



025



1402 W Oltorf St

1402 W Oltorf St

Austin, Texas

Street View - Apr 2014



Image capture: Apr 2014 © 2014 Google

Property

1408 W Oltorf St

1408 W Oltorf St

Austin, Texas

Street View - Apr 2014



Image capture: Apr 2014 © 2014 Google

N. F. Prop.

SF-3 Prop.

1393 W Oltorf St

1393 W Oltorf St

Austin, Texas

Street View - Apr 2014



Image capture: Apr 2014 © 2014 Google

East of Prop.

1386 W Oltorf St

1386 W Oltorf St

Austin, Texas

Street View - Apr 2014

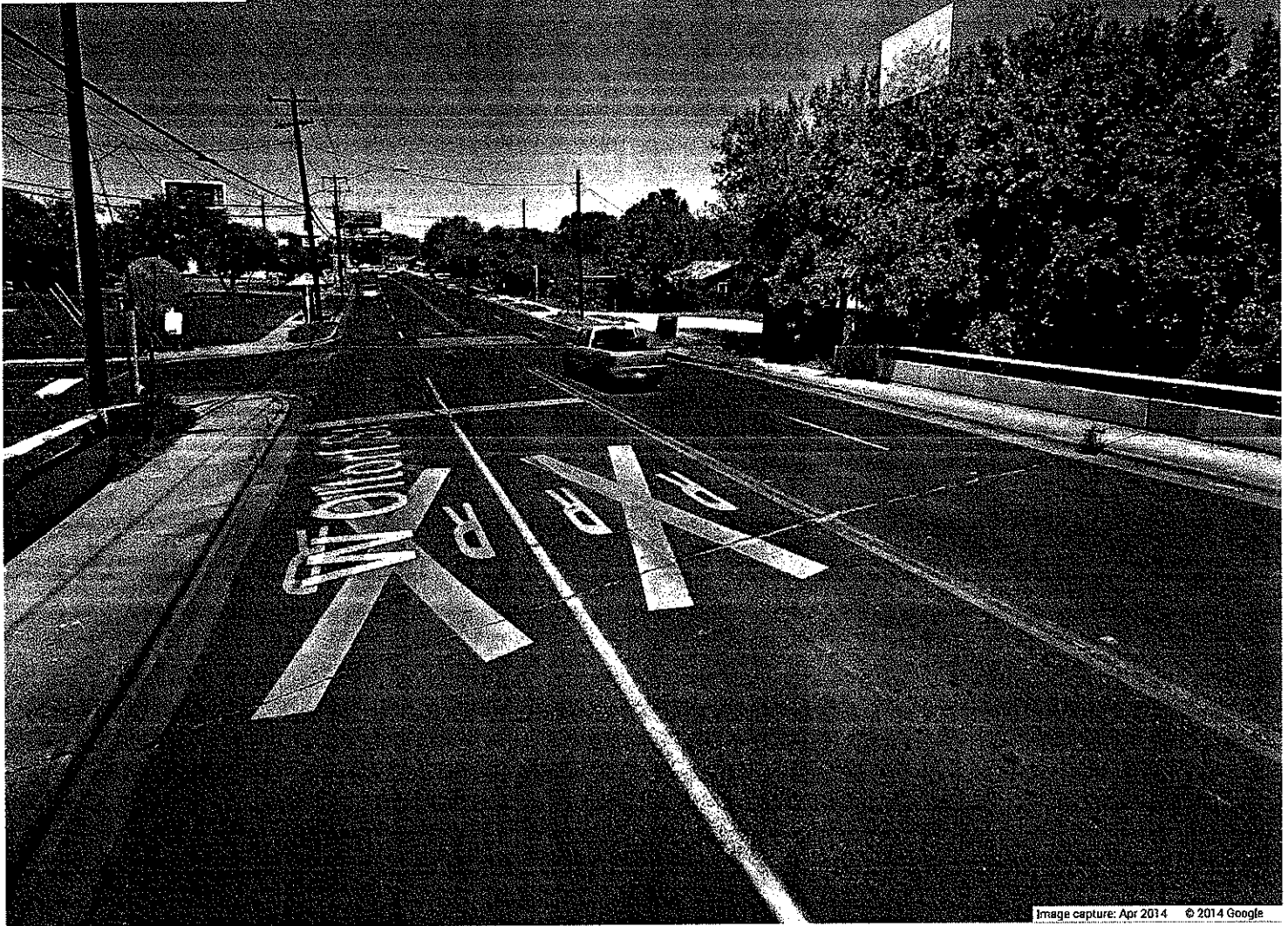


Image capture: Apr 2014 © 2014 Google

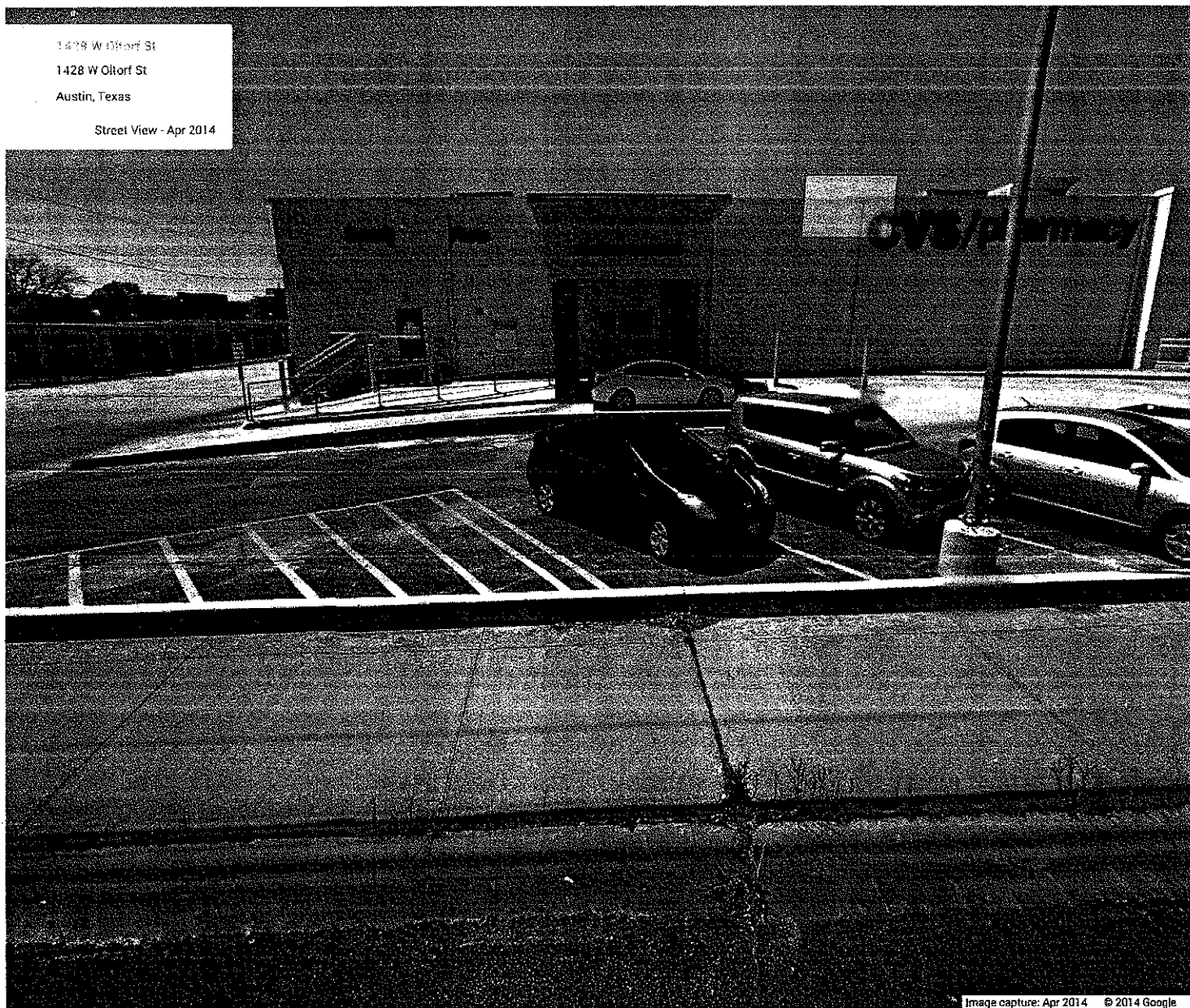
Looking west
towards Prop.

1428 W Oltorf St

1428 W Oltorf St

Austin, Texas

Street View - Apr 2014



NW of Prop.

1408 W Oltorf St

1408 W Oltorf St

Austin, Texas

Street View - Apr 2014

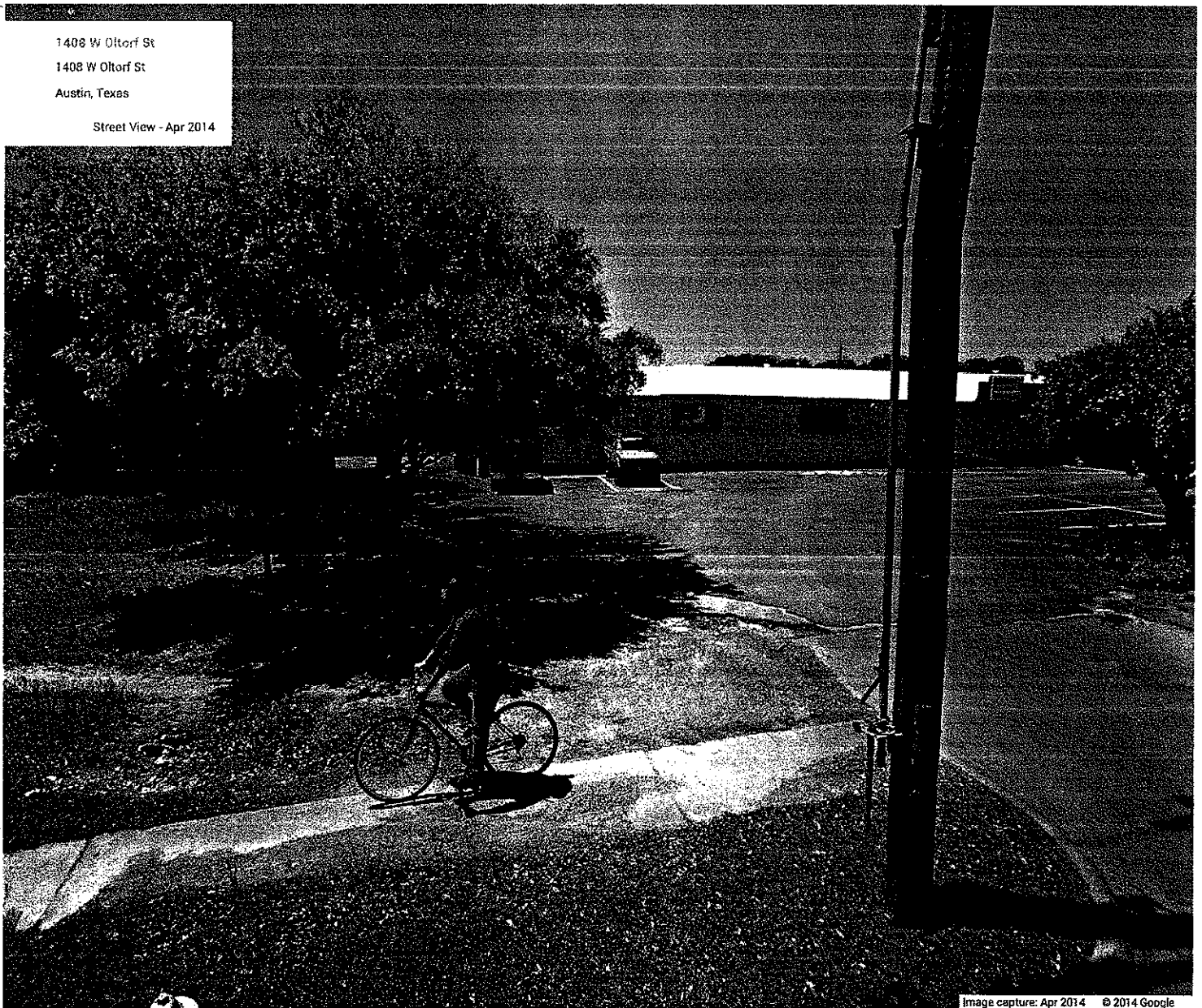


Image capture: Apr 2014 © 2014 Google


Looking South
from Property

LETTER OF APPROVAL

Attn: Board of Adjustments and whom it may concern,

I David M Howell, owner of neighboring property 1409 W OLTORF

have been notified by **1402 W Oltorf LLC** of their plans to develop their property located at 1400 and 1402 West Oltorf and their plans to remove the compatibility setbacks on the sides and front of the development. I understand what this means for their property and neighboring properties and hereby state that **I do not object to this setback removal.**



Signature

9/4/2014

Date

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, September 8, 2014

CASE NUMBER: C15-2014-0125

☐ Y _____ Jeff Jack
☐ Y _____ Michael Von Ohlen
☐ Y _____ Ricardo De Camps **Motion to PP to Oct 13, 2014**
☐ Y _____ Bryan King
☐ Y _____ Stuart Hampton - Vincent Harding (left early)
☐ Y _____ Melissa Hawthorne **2nd the Motion**
☐ Y _____ Sallie Burchett

APPLICANT: Eric Scheibe

OWNER: Kary Aycock

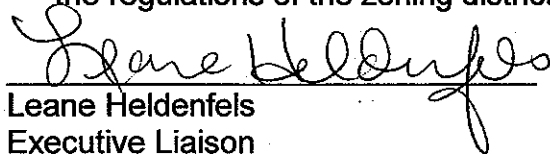
ADDRESS: 1400 OLTORF ST

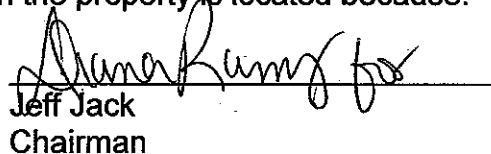
VARIANCE REQUESTED: The applicant has requested variance(s) to Section 25-2-1064 (*Front Setback*) of Article 10, Compatibility Standards in Subchapter C, Use and Development Standards to decrease the minimum front building line setback from a right of way from 25 feet (required) to 0 feet (requested); and to Section 25-2-1067 (*Design Regulations*) (H) of Article 10, Compatibility Standards in Subchapter C, Use and Development Standards to decrease the minimum side setback for parking from 14 feet to 0 feet (requested) and to decrease the minimum side setback for driveways from 9 feet (required) to 0 feet (requested) in order to construct a commercial building, walkway, deck, driveway and parking area in a "CS", Commercial Services zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Ricardo De Camps motion to Postpone to October 13, 2014, Board Member Melissa Hawthorne second on a 7-0 vote; **POSTPONED TO OCTOBER 13, 2014.**

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:


Leane Heldenfels
Executive Liaison


Jeff Jack
Chairman

Heldenfels, Leane

C15-2014-0125

From: Eric Scheibe <~~escheibe@schellbeconsulting.com~~>
Sent: Wednesday, October 01, 2014 10:54 AM
To: Heldenfels, Leane
Cc: Kary Aycock; Jerad Kolarik
Subject: Re: October 13 BOA agenda

Leane,

We would like to postpone our BOA meeting until November. What do we need to do to make this happen?

This is for the 1400 W. Oltorf Property. The owner has been cc'd on this email. If need be, someone will be at the October meeting to ensure our postponement request is made before the board.

Thanks,

Eric Scheibe
512-263-0418

On Tue, Sep 23, 2014 at 9:48 AM, Heldenfels, Leane <Leane.Heldenfels@austintexas.gov> wrote:

Hi Eric – got your phone message. Yes, your case is automatically on the Board's 10/13 agenda. If you have any revisions to make or contacts w/ the neighborhood association that you want to update the Board about, send them to me via email by end of day 10/1 for them to be included in the Board's advance packet. If you want to provide larger format or full color copies to the Board, provide 10 sets of those to my mail box by end of day 10/1.

If you want to postpone to 11/10 meeting, advise by 4pm day of meeting via email.

Take care – let me know if you have any further questions –

Leane

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
 - appearing and speaking for the record at the public hearing;
- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
 - is the record owner of property within 500 feet of the subject property or proposed development; or
 - is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All notices received will become part of the public record of this case.

Case Number: C15-2014-0125, 1400 West Oltorf

Contact: Leane Heldenfels, 512-974-2202, leana.heldenfel@austintexas.gov

Public Hearing: Board of Adjustment, September 8th, 2014

Your Name (please print)

☒ I am in favor

- I object

Your address(es) affected by this application

1301 W 26th Ave
Signature

Signature

Date _____

Daytime Telephone:

Comments:

Note: all comments received will become part of the public record of this case

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Leane Heidenfels

P. O. Box 1088

Austin, TX 78767-1088

Or fax to (512) 974-2934

Or scan and email to leane.heldenfels@austintexas.gov

CASE# C15-2014-0125
ROW# 11202064
TAX# 0401061302

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED
INFORMATION COMPLETED.

STREET ADDRESS: 1400 W. Oltorf, Austin, TX

LEGAL DESCRIPTION: Subdivision – Fredericksburg Road Acres

Lot(s) 13 Block 1 Outlot _____ Division _____

I/We Kary Aycock on behalf of myself/ourselves as authorized agent for
1402 West Oltorf, LLC affirm that on August, 8, 2014

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below and state what portion of the Land Development
Code you are seeking a variance from)

☒ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

- (1) A new parking lot and driveway within the current designated 14 ft Compatibility Setback for parking and the current designated 9 ft Compatibility setback for driveways [as per LDC 25-2-1067 (H)] along the southern and northwestern property lines of this lot. The 14 ft Setback and 9 ft setback are because our lot frontage width is 77.64 ft and is adjacent to SF-3 zoning.
- (2) A new commercial building, sidewalk, and our decks within the current designated 25 ft front compatibility setback [as per LDC 25-2-1064] and within the 25 ft side compatibility setback [as per LDC 25-2-1063]. These setbacks are required because our total site area exceeds 20,000 sf and is adjacent to SF-3 zoning.

in a (CS) Commercial Services District. (zoning district).

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

This property is zoned CS and the adjacent lot to the south and northwest are zoned SF-3. These adjacent SF-3 zonings significantly impact the development potential for this lot due to the Compatibility Setback requirements in the LDC. The lot to the south is owned by the city of Austin, zoned SF-3, and is a lot located completely within the channel of West Bouldin Creek. This southern lot will never be developed. Furthermore, the lot to the northwest of our lot is also zoned SF-3, and has been used as a commercial facility in the past (although not officially). Furthermore, this northwestern lot and southern lot are the only relic SF-3 lots in this region, and it is safe to assume that they will very soon be converted to CS zoning as these properties are redeveloped in the future. These two SF-3 lots are significantly impacting the full development potential of our lot, when in the future these lots are very unlikely to remain SF-3 or have future SF-3 type structures on them.

Our request is to have the compatibility setback requirements completely removed from our property and/or project.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

- (1) Our property's total site area is 42,691.73 sf, but 27,045.67 sf is located within the CWQZ of W. Bouldin Creek, and with the 25 ft compatibility setbacks in place, our total developable area is limited to only 6,030.98 sf (14.1% of original area).
- (2) Our property is adjacent to a property to the south that is currently zoned SF-3, which can not ever be built on as it is located completely within the CWQZ on W. Bouldin Creek, but the code currently requires a compatibility setback onto our property for buildings and parking.
- (3) Our property is adjacent to a property to the northwest that is currently zoned SF-3, but which has in the past been unofficially used for commercial purposes, and is effectively a relic SF-3 property located within a region of almost all CS zoned properties along W. Oltorf. From discussions with city staff, and others, this lot to the northwest will almost certainly be rezoned to CS in order to redevelop this lot. The likelihood of this northwestern lot remaining SF-3 is very low. Since this lot to the northwest will most likely convert to CS, our property is effectively held hostage until the neighboring property redevelops. This same situation impacts the redevelopment of the northwestern property if our property is not redeveloped, as our current use is residential. With this current situation, and without Board of Adjustment intervention, our two lots are stuck in limbo as both are significantly impacted by each other's compatibility setback requirements.

- (b) The hardship is not general to the area in which the property is located because:

All other properties in the region of W. Oltorf have much more room to construct, as they are not limited by a (1) a CWQZ that consumes well over half the lot total area; (2) a compatibility setback from a vacant adjacent city owned lot that is located in the center of W. Bouldin Creek; and (3) a compatibility setback from an isolated SF-3 zoned property to the northwest that has in the past and will most certainly be in the future commercial

property.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:
 - (1) The lot to the south zoned SF-3 will never be built on as it is completed within the CWQZ and owned by the city.
 - (2) The lot to the northwest will almost certainly be redeveloped as commercial property, as all other property in the area is commercial. Once the lot to the northwest is converted to commercial property, there will be no compatibility setback requirements, but until such time our site and property are severely restricted.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

N/A

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

N/A

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

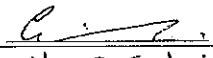
N/A

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

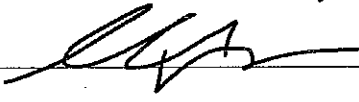
NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address PO BOX 161357
escheibe@Scheibeconsulting.com
City, State & Zip Austin, TX 78716

Printed Eric Scheibe, PE Phone 512-263-0418 Date 08/08/2014

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 2210 South 1st, #L
City, State & Zip Austin, TX 78704

Printed 1402 West Oltorf LLC by Kary Aycock Phone 512-619-7131 Date 08/08/2014



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

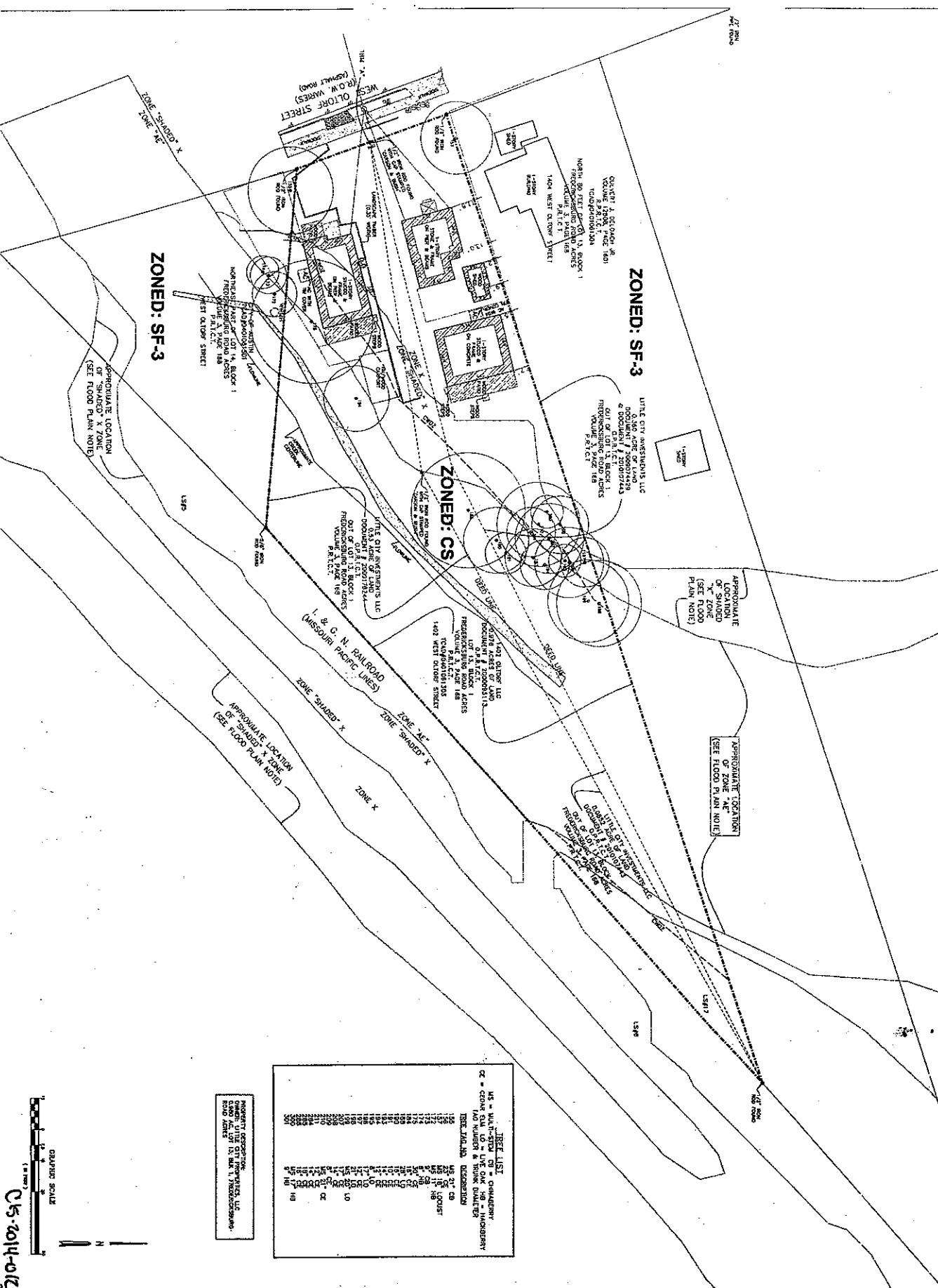
1" = 200'

CASE#: C15-2014-0125
Address: 1400 W OLTORF ST

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





05-2014-0125

GRAPHIC SCALE
0 100
1" = 100'

DATE: 05/13/2014
DRAWN BY: ES
CHECKED BY: ES
APPROVED BY: ES

ERIC C. SCHEIBE, PE
REGISTERED PROFESSIONAL ENGINEER
NO. 13880
PRELIMINARY
NOT FOR PERMITTING,
BIDDING, OR CONSTRUCTION
05/05/2014

SCHEIBE CONSULTING, LLC
LITTLE CITY INVESTMENTS SITE PROJECT
1400 W. OLTORF, AUSTIN, TX
AS-BUILT SURVEY

SCHEIBE CONSULTING, LLC
1400 W. OLTORF, AUSTIN, TX 78704

REV	DATE	DESCRIPTION
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PROPERTY INFORMATION
LITTLE CITY INVESTMENTS, LLC
1400 W. OLTORF, AUSTIN, TX 78704

REF. LIST	US - MULTI-ENTRY	CS - CHANGING
156	11714	11714
157	11714	11714
158	11714	11714
159	11714	11714
160	11714	11714
161	11714	11714
162	11714	11714
163	11714	11714
164	11714	11714
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